

**PROCEEDINGS OF THE BROWN COUNTY BOARD OF SUPERVISORS**  
**JANUARY 19, 2005**

Pursuant to Section 19.84 and 59.14, Wis. Stats., notice is hereby given to the public that the REGULAR meeting of the **BROWN COUNTY BOARD OF SUPERVISORS** was held on **Wednesday, January 19, 2005, at 7:00 p.m.**, at City Hall, 100 N. Jefferson Street, Green Bay, Wisconsin.

The following matters will be considered:

Call to order.

Invocation.

Pledge of Allegiance to the Flag.

Opening Roll Call:

Present: Graves, Nicholson, Theisen, Krueger, Haefs, Erickson, Kaye, Zima, Evans,  
Vander Leest, Johnson, Dantinne, Frohna, Collins, Beyl, Backmann, Van  
Deurzen, Fleck, Clancy, Moynihan, Zabel, Scray, Hinz, Lund, Fewell

Supervisor Van Den Heuvel arrived at 7:15 p.m.

Total Present: 26

**No. 1 -- Adoption of agenda.**

A motion was made by Supervisor Krueger and seconded by Supervisor Fewell **“to adopt the agenda as modified”**. Voice vote taken. Motion carried unanimously with no abstentions.

**No. 2a -- Approval of minutes of County Board Meeting of December 15, 2004.**

A motion was made by Supervisor Johnson and seconded by Supervisor Van Deurzen **“to adopt the minutes of the December 15, 2004 meeting”**. Voice vote taken. Motion carried unanimously with no abstentions.

**No. 3 -- Announcements by Supervisors.**

Supervisor Evans announced that next Thursday evening, January 27, the Human Services Committee will have a special meeting at 5:30 p.m. in the City of Green Bay’s Council Chambers followed by a closed session meeting. He requested all available Supervisors to attend.

Supervisor Lund announced that he is seeking members for a Facilities Master Plan Sub-Committee. He encouraged Supervisors to contact him if they wish to serve. Supervisor Lund added that he will put this on his next Administration Committee agenda.

Supervisor Hinz informed the County Board of his trip to Madison. This involved his first meeting of the Wisconsin Citizens Core. Explaining the Wisconsin Citizens Core, Supervisor Hinz said the Council is about coordinating community volunteers, such as Neighborhood Watch

Groups. It coordinates neighborhood volunteers to work with First Responders in our community. Related to that, Supervisor Hinz said Brown County's Emergency Management Director, Cullen Peltier, has applied for a grant to work with the volunteers. The grant would not be of any cost to Brown County nor would it require matching funds. This program has been in existence for 3 years and Supervisor Hinz promised to keep the Board up to date on its progress.

**No. 4 -- Communications. None.**

**No. 5 -- Appointments by County Executive.**

**No. 5a -- Reappointment of Don Murray and Supervisor Mary Scray to Board of Health.**

A motion was made by Supervisor Van Deurzen and seconded by Supervisor Dantine "to approve the above appointments". Voice vote taken. Motion carried unanimously with no abstentions.

**No. 6a -- Report by County Executive. No Report.**

**No. 6b -- Report by Board Chairman.**

Chairman Moynihan encouraged County Board Supervisors to turn in their mileage reports to the County Board office. Secondly, he announced the WCA Annual Legislature Exchange will be held in Madison on February 8, 2005. Registration is due by next Monday, January 24, 2005. If anyone is interested in attending, Chairman Moynihan said they must contact the County Board Secretary.

**No. 7 -- Other Reports. None.**

**No. 8 -- Standing Committee Reports.**

**No. 8a -- REPORT OF ADMINISTRATION COMMITTEE OF JANUARY 5, 2005**

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The ADMINISTRATION COMMITTEE met in regular session on January 5, 2005, and recommends the following motions:

- 1.
2. Review minutes of:
  - a. Housing Authority (11/15/04).  
Receive and place on file.
3. Housing Authority – Question from Supervisor Beyl regarding: County Supervisors owning rental property. Receive and place on file.
4. Communication from Supervisor Pat Collins regarding: Job Review of Corporation Counsel in relation to County Board. (Referred from December County Board.) Refer to

next month's meeting. Ayes: 4 (Collins, Beyl, Backmann, Lund); Nays: 1 (Graves).  
Motion Carried.

5. Department of Administration – Information Services – Request for Budget Transfer. Increase in Expenditures with Offsetting Increase in Revenue: Offsetting Human Services Transfer #04-22 to purchase a computer, two printers and time and attendance software (IS Revenue - \$38,265; Equipment Non-outlay \$14,802; Software - \$23,462). Approve the transfer of \$38,265.
6. Department of Administration – 2004 Budget Transfer Log. Approve.
7. Human Resources – Monthly Committee Report (November, 2004). Approve.
8. Human Resources – Update from Human Resources regarding employees requesting appeals of Class and Comp study. Approve.
9. Communication from Terry Haut, Administration regarding: Audit of bills question for additional information on payment to Laboratory Corporation. Receive and place on file.
10. Audit of bills. Approve the bills.

A motion was made by Supervisor Graves and seconded by Supervisor Lund “to adopt”. Voice vote taken. Supervisors Zima, Krueger, Scray and Vander Leest abstained from item #2a and 3. Remainder of report carried unanimously with no abstentions.

Approved by: \_\_\_\_\_ \s\ Carol Kelso, County Executive \_\_\_\_\_ Date: 2/4/2005

**No. 8b -- REPORT OF EDUCATION AND RECREATION COMMITTEE OF JANUARY 6, 2005**

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The EDUCATION AND RECREATION COMMITTEE met in regular session on January 6, 2005 and recommends the following motions:

1. Review minutes of:
  - a) Library Board (11/16/04). Receive and place on file.
2. Update on Renard Island. (Dean Haen, Port and Solid Waste.) Receive and place on file.
3. Arena/Expo Centre Resch Centre – Arena Event Attendance for November 2004. Receive and place on file.
4. Arena/Expo Centre Resch Center – Information regarding: Economic Impact report. (Requested previous meeting.) Hold for one month.
5. Arena/Expo Centre Resch Centre – Update on Arena roof repair. Receive and place on file.
6. Arena/Expo Centre Resch Centre – Discussion of future direction of Packer Hall of Fame/Arena. Direct staff to prepare an RFP for this committee's review at the next meeting.
7. Library – Communication from Supervisor Kathy Johnson regarding:

- a) Accountability of the amount of money donated to Southwest Library and work completion dates and balances of remainder work.
  - i) Receive and place on file #7a.
  - ii) Refer to Administration Committee to have Corporation Counsel review the donation process and report back to this committee.
- b) Total spending at Southwest Library for improvement.
  - i) Receive and place on file #7b.
- 8. Library – Update on roof leaks at Southwest Library and what we are doing about it. (Requested by Supervisor Kathy Johnson.) Receive and place on file.
- 9. Library – Director’s report. Receive and place on file.
- 10. Museum – Attendance and Admissions for November 2004. Receive and place on file.
- 11. Museum – Director’s report. Receive and place on file.
- 12. Golf Course – Daily Financial and Attendance report (November 14, 2004). Receive and place on file.
- 13. Golf Course – Superintendent’s Report. Receive and place on file.
- 14. NEW Zoo – Monthly Activity Reports for November 2004.
  - a) Allow flexibility in the Zoo opening date.
  - b) Receive and place on file.
- 15. Parks – Discussion on Leadership Green Bay project schedule on restroom building located in St. Francis Park on the Fox River Trail. Grant approval to continue with the project.
- 16. Parks – Request for Budget Transfer (#04-65): Increase in Expenditures with Offsetting Increase in Revenue: Brown County receive \$37,297.50 grant from WDNR to replace a bridge over Neshota River on state-funded snowmobile trail system. Approve.
- 17. Parks – Director’s report.
  - a) Reconsider agenda item “Approve/modify minutes of regular meeting of December 2, 2004.”
  - b) Amend minutes to have the motion in December 2, 2004 Minutes. Item #15 to include in the motion the phrase “for charity events”. The motion will now read “To reduce the special events fee for use of Reforestation Camp trails from \$250 to \$100 for charity events.”
- 18. Audit of bills. Approve the bills.

A motion was made by Supervisor Johnson and seconded by Supervisor Graves “to adopt”. Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: \s\ Carol Kelso, County Executive

Date: 2/4/2005

**No. 8c -- REPORT OF EXECUTIVE COMMITTEE OF JANUARY 10, 2005**

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The EXECUTIVE COMMITTEE met in regular session on January 10, 2005 and recommends the following motions:

1. County Executive Report. (No report.)
2. Legislative Subcommittee report. (No report.)
3. Internal Auditor Report. Receive and place on file.
4. Memorandum from Mark D. O'Connell, Executive Director, Wisconsin Counties Association regarding: Advisory Referenda and Sample Resolution. Support Resolution and move it forward and insert the words "Brown County" after the 8<sup>th</sup> *whereas* and the phrase "*Now, therefore be it resolved.*" See Resolutions, Ordinances January County Board.
5. Communication from Supervisor Fewell requesting Federal Housing Vouchers being brought to Diversity Affairs Council to monitor issues related to transition of new Hmong refugees and to keep County Board informed. (Referred from December County Board.) Refer this to Diversity Affairs Council and Housing Authority.
6. Communication from Supervisor Pat Collins regarding: Authority of County Board to review and approve all contracts entered into by Human Services Director. (Held from previous meeting.) Refer this item to Human Services Committee. Ayes: 4 (Vander Leest, Dantine, Evans, Lund); Nays: 2 (Moynihan, Kaye); Excused: 1 (Haefs). Motion Carried.
7. Request for update regarding: Service Fees for Oneida Indians. (Held from previous meeting.) Hold for one month.
8. **Closed Session:** For the purpose of deliberating whenever competitive or bargaining reasons require a closed session pursuant to Wisconsin State Statute 19.85(1)(e). In the alternative, the Executive Committee is meeting for the purpose of collective bargaining and is not subject to the Wisconsin open meetings law pursuant to 19.82(1) of the Wisconsin State Statutes, and also for the purpose of conferring with legal counsel for Brown County as to legal advice concerning strategy as to litigation pending pursuant to sec. 19.85(1)(g) of the Wisconsin State Statutes.
  - a) Enter into closed session. Roll Call taken: 2 members excused (Haefs, Lund).
  - b) Return to regular order of business.
  - c) No action taken.

A motion was made by Supervisor Fleck and seconded by Supervisor Van Deurzen **"to adopt"**. Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: \s\ Carol Kelso, County Executive

Date: 2/4/2005

**No. 8d -- REPORT OF HUMAN SERVICES COMMITTEE OF DECEMBER 15, 2004**

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The HUMAN SERVICES COMMITTEE met in regular session on December 15, 2004, and recommends the following motions:

1. Review minutes of:
  - a) Community Options Program Appeals Committee (11/22/04).
  - b) Children with Disabilities Education Board (11/10/04).Receive and place on file items a-b.
2. Health Department – Update on Packerland (John Paul). Receive and place on file and review this again in April.
3. Human Services Department – Resolution regarding: Supporting the Development of an Aging and Disability Resource Center for Brown County. Committee adopted. See Resolutions, Ordinances January County Board.
4. Audit of bills. Pay the bills.

A motion was made by Supervisor Zima and seconded by Supervisor Van Deurzen “to adopt”. Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: \s\ Carol Kelso, County Executive Date: 2/4/2005

**No. 8e-- REPORT OF PLANNING, DEVELOPMENT AND TRANSPORTATION COMMITTEE AND LAND CONSERVATION SUBCOMMITTEE OF DECEMBER 22, 2004**

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The PLANNING, DEVELOPMENT AND TRANSPORTATION COMMITTEE AND LAND CONSERVATION SUBCOMMITTEE met in regular session on December 22, 2004, and recommends the following motions.

**Land Conservation Subcommittee**

1. Oneida County Resolution (#99-2004) regarding: Land and Water Conservation. (Referred from Planning, Development and Transportation Committee of November 24, 2004.) Support Resolution #99-2004 and return to Legislative Sub-Committee.
2. Budget transfer of \$6000 for venison processing from DNR Hunt for Hungry, Wildlife damage program. Approve.
3. Buffers grant \$25,000 from DNR for Brown County landowners. Approve.
4. WLWCA communications:
  - a) Steven Dickensen, Jackson County LCC Chairman
  - b) George Brandt, Trempealeau County LCCReceive and place on file.
5. State Ag Non Point Performance Standards information meeting, January 13, 2005, at Ag Center. Receive and place on file.
6. Set January Meeting Date with Legislators regarding funding mandated conservation programs. No action.
7. Oneida County Resolution on non-native aquatic invasive species. (Covered under #1 above.)
8. Directors Report. No action.

### **Planning, Development and Transportation Committee**

1. Review minutes of:
  - a) Harbor Commission (9/13/04 and 11/15/04).  
Receive and place on file.
  - b) Planning Commission Board of Directors Elderly and Disabled Transportation Subcommittee (7/6/04).  
Receive and place on file.
  - c) Solid Waste Board (10/18/04).  
Receive and place on file.
2. Airport – Taxicab licensing (informational). No action.
3. Airport Director's Report. No action.
4. Port and Solid Waste – Sanitary Sewer Extension to the East Landfill. Approve.
5. Port and Solid Waste – Director's report. No action.
6. Zoning – Request to remove an area of wetlands from the Wisconsin Wetland Inventory zoning map T22N R22E, Town of New Denmark, Brown County, map received by Brown County Zoning on June 5, 1990. Approve and forward to County Board.
7. Zoning – Update on FEMA (Federal Emergency Management Agency) floodplain map. No action.
8. Zoning – Director's report. No action.
9. Planning Commission – Continuation of working on the potential sale of excess land. (September 1998 County Executive's Land Commission report.) No action.
10. UW-Extension – Approve a \$1,000 from the Brown County Association for Home and Community Education for tables at the Ag & Extension Service Center. Accept.
11. UW-Extension – Director's report. No action.
12. Highway – Commissioner's report. No action.
13. Communication from Supervisor Van Den Heuvel regarding: To have Cottage Road go four-lane all the way through to MM with no road about which has been scheduled. (Referred from December County Board.) No action.
14. Audit of bills. Approve audit of bills.

A motion was made by Supervisor Krueger and seconded by Supervisor Erickson **“to adopt”**. Supervisor Evans requested item #2 be taken separately. Remainder of the report passed unanimously with no abstentions.

Item #2 -- Budget transfer of \$6000 for venison processing from DNR. Hunt for Hungry, Wildlife damage program. COMMITTEE ACTION: Approve.

Supervisor Evans explained that he would like additional information on this budget transfer. Supervisor Dantine explained that this is a grant through the Land Conservation Department, with no cost to the County. The grant provides funds to take in venison and distribute it to the needy. A motion was made by Supervisor Evans and seconded by Supervisor Kaye **“to adopt item #2”**. Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: \s\ Carol Kelso, County Executive

Date: 2/4/2005

No. 8f -- **REPORT OF PUBLIC SAFETY COMMITTEE REPORT OF JANUARY 12, 2005**

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The PUBLIC SAFETY COMMITTEE met in regular session on January 12, 2005, and recommends the following motions:

1. Review minutes of:
  - a) LEPC (12/16/04).
  - b) Fire Investigation Task Force Board of Directors (11/11/04).
  - c) Fire Investigation Task Force General Membership (11/4/04).
  - d) Emergency Medical Services Council (11/17/04).Receive and place on file items a-d.
2. Request from Supervisor Bill Clancy regarding: Barking Dog Nuisance. Refer to Corporation Counsel to clarify options for townships in regard to enforcement of local ordinances.
3. Public Safety Communications – Request to apply for Multi-Hazards Mitigation Plan for Brown County. Support the grant application.
4. Public Safety Communications – Director’s report. Receive and place on file.
5. Medical Examiner – Communication from Supervisor Tom Hinz regarding: Request that Corporation Counsel request official opinion from Attorney General’s office on the following:
  - a) Is there a conflict of interest when a person is employed as a paid firefighter/paramedic, also serving as a Medical Examiner?
  - b) Is there a time limit on interim appointment as Medical Examiner?
  - c) Does the Medical Examiner need to be a Medical Doctor?(Referred from December County Board.)  
**Nos. 5,7, and 8 taken together.**  
Request Corporation Counsel provide a lettered opinion whether there is a conflict of interest when a person is employed as a paid firefighter/paramedic also serving as a Medical Examiner; if there is a time limit on the interim appointment as Medical Examiner; and whether the Medical Examiner needs to be a Medical Doctor; to also provide an opinion whether the County Board can determine how long the interim basis is; and who has the authority to appoint the Medical Examiner.
6. Medical Examiner – Communication from Supervisor Craig Beyl regarding: Having the Attorney General give an explanation of what it means by conflict between the duties of two public officials or positions. (Referred from December County Board.) (Deleted from agenda. Supervisor Beyl had answer to his question.)
7. Medical Examiner – Communication from Supervisor Bernie Erickson regarding: Requesting a written opinion from Corporation Counsel regarding the compatibility of having a firefighter/paramedic serve as Medical Examiner. (Referred from December County Board.) **Taken with Nos. 5, 7 and 8.**



8. Medical Examiner – Communication from Supervisor Bernie Erickson regarding: Requesting a formal opinion from the Attorney General’s office concerning the compatibility of having a firefighter/paramedic serving as Medical Examiner. (Referred from December County Board.) **Taken with Nos. 5,7 and 8.**
9. \*\* Medical Examiner – Communication from Supervisor Bernie Erickson regarding: Have County Board consider if they would rather have a Medical Examiner with a forensic pathology degree or return to the elected coroner position. (Referred from December County Board.) **Reaffirm the 1992 opinion made by County Board that the Medical Examiner for Brown County have a Forensic Pathology Degree. Ayes: 3 (Clancy, Kaye, Zima); Nays: 2 (Nicholson, Van Den Heuvel). Motion Carried.**
- \*\* ITEM NUMBER NINE REFERRED BACK TO PUBLIC SAFETY COMMITTEE AS PER THE COUNTY BOARD ON 1/19/2005.
10. Medical Examiner – Review Attorney General’s opinion with recommendations. **Hold for 30 days.**
11. Sheriff – Request for Budget Transfer (#04-67): Increase in Expenditures with Offsetting increase in Revenue: Request to utilize jail phone commission bonus money, not included in 2004 budget, to upgrade jail security and purchase digital imaging equipment (\$200,000). **Approve.**
12. Sheriff – Review security at Mental Health Center. **Refer to Human Services Committee.**
13. Sheriff – Key Factor Report 2004 with Jail Average Daily Population by month and overtime by expenditures by division/session 2004 – for January 2005 meeting. **Hold until next meeting for year end figures.**
14. Sheriff – Traffic Patrol Report. **Receive and place on file.**
15. Sheriff’s report. **Request Sheriff contact the Purchasing department and request an RFP for medical services.**
16. **Closed Session:** Pursuant to Sec. 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation date of a public employee over which the Committee has jurisdiction or exercises responsibility. (No Closed Session.)
17. Audit of bills. **Approve the bills.**

A motion was made by Supervisor Kaye and seconded by Supervisor Clancy **“to adopt”**. Supervisor Van Deurzen requested item #11 be taken separately. Remainder of the report passed unanimously with no abstentions.

**Item #11 -- Sheriff – Request for Budget Transfer (#04-67): Increase in Expenditures with Offsetting Increase in Revenue: Request to utilize jail phone commission bonus money, not included in 2004 budget, to upgrade jail security and purchase digital imaging equipment (\$200,000). COMMITTEE ACTION: Approve.**

Supervisor Van Deurzen said he took this item separately because he needed some questions answered.

Sheriff Kocken explained he did an RFP on the phone service for the jail. Sheriff Kocken gave statistics on the calls and costs of the calls from the jail.

A motion was made by Supervisor Zima and seconded by Supervisor Clancy **“to adopt item #11”**. Voice vote taken. Motion carried unanimously.

A motion was made by Supervisor Nicholson and seconded by Supervisor Lund **“requesting to take Item #9 for reconsideration”**. Voice vote taken. Motion carried unanimously **“to reconsider item #9”**.

Item #9 -- Medical Examiner – Communication from Supervisor Bernie Erickson re: Have County Board consider if they would rather have a Medical Examiner with a forensic pathology degree or return to the elected coroner position. (Referred form December County Board.) COMMITTEE ACTION: Reaffirm the 1992 opinion made by County Board that the Medical Examiner for Brown County have a Forensic Pathology Degree. Ayes: 3 (Clancy, Kaye, Zima); Nays: 2 (Nicholson, Van Den Heuvel). Motion Carried.

Discussion followed.

Supervisor Nicholson explained he took this item separately because he had many unanswered questions of the Medical Examiner position including salary, benefits, availability, etc. He also wanted to seek a possible cooperative agreement with surrounding counties. In discussions at the committee level this information was not available. Not having this information, Supervisor Nicholson felt the vote was premature. Supervisor Nicholson added that we need a written legal opinion and also an opinion from the State concerning all these unanswered questions.

A motion was made by Supervisor Nicholson and seconded by Supervisor Lund **“to refer Item #9 back to committee”**.

Discussion on motion.

Following discussion, a roll call vote was taken on Supervisor Nicholson’s motion **“to refer back to committee”**. Roll Call #8f9(1):

Ayes: Van Den Heuvel, Graves, Nicholson, Theisen, Erickson, Vander Leest, Johnson, Dantine, Frohna, Collins, Beyl, Backmann, Van Deurzen, Fleck, Moynihan, Zabel, Scray, Lund

Nays: Krueger, Haefs, Kaye, Zima, Evans, Clancy, Hinz, Fewell

Total Ayes: 18 Total Nays: 8

Motion carried.

Approved by: \s\ Carol Kelso, County Executive

Date: 2/4/2005

**No. 9 -- Resolutions, Ordinances**

**No. 9a -- RESOLUTION REGARDING: PLACING REFERENDA QUESTIONS ON THE APRIL BALLOT**

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE  
BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, county government acts in partnership with state government in Wisconsin to provide programs and services for the citizenry; and

WHEREAS, state government requires county government to provide programs and services that are not always funded by the state government; and

WHEREAS, the major funding source for county government is the county property tax; and

WHEREAS, some mandated programs and services are not funded or fully funded by the state, causing the county property taxpayer to supplement funding with property tax dollars; and

WHEREAS, the public has an increased concern over how property tax dollars are being expended; and

WHEREAS, two statewide commissions (Kettl and Sheehy) suggested that the circuit court system and human services should not be funded by the property tax; and

WHEREAS, Chapter 59.52 (25) of the State Statutes states *“the board may conduct a countywide referendum for advisory purposes or for the purpose of ratifying or validating a resolution adopted or ordinance enacted by the board contingent upon approval in the referendum”*; and

WHEREAS, the following advisory referenda questions are an effective way to determine how the citizenry believes the court system and human services should be funded:

Should the State of Wisconsin, not the County of **Brown taxpayer**, pay for the cost of the state mandated court system in Brown County?

Should the State of Wisconsin, not the County of **Brown taxpayer**, pay for the cost of state mandated human services in Brown County?

NOW, THEREFORE, BE IT RESOLVED that Brown County will place the above mentioned questions on the April ballots as advisory referenda questions.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Wisconsin Counties Association.

Respectfully submitted,  
EXECUTIVE COMMITTEE

A motion was made by Supervisor Lund and seconded by Supervisor Van Deurzen **“to adopt”**.  
A motion was made by Supervisor Johnson and seconded by Supervisor Theisen **“to amend the referenda questions as follows: ‘Should the State of Wisconsin, not the County of Brown, pay for the cost of the state mandated court system in Brown County?’ and ‘Should the State of Wisconsin, not the County of Brown, pay for the cost of state mandated human services in Brown County?’”**

Discussion on Supervisor Johnson’s amendment. Vote taken on Supervisor Johnson’s amendment to the resolution. Roll Call #9a(1):

Ayes: Van Den Heuvel, Graves, Nicholson, Theisen, Krueger, Haefs, Vander Leest, Johnson, Dantine, Frohna, Collins, Beyl, Backmann, Van Deurzen, Fleck, Clancy, Moynihan, Scray, Hinz

Nays: Erickson, Kaye, Zima, Evans, Zabel, Lund, Fewell

Total Ayes: 19

Total Nays: 7

Motion carried.

A motion was made by Supervisor Krueger and seconded by Supervisor Zima **“to approve the resolution as amended”**. Voice vote taken. Motion carried unanimously with no abstentions.

Approved by:       \s\ Carol Kelso, County Executive      

Date: 2/4/2005

**No. 9b --     RESOLUTION REGARDING: SUPPORTING THE DEVELOPMENT OF  
AN AGING AND DISABILITY RESOURCE CENTER FOR BROWN  
COUNTY**

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE  
BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, Brown County has developed an innovative and comprehensive Aging Resource Center that provides assistance to the elderly citizens of Brown County; and

WHEREAS, Brown County citizens with disabilities would benefit from similar services being made available to Brown County citizens with disabilities; and

WHEREAS, Brown County Department of Human Services is working to increase efficiency, eliminate duplication, and expand collaboration in access to human services including long term care services; and

WHEREAS, the Wisconsin Department of Health and Family Services has requested counties or groups of counties to apply for grants to develop an Aging and Disability Resource Center (ADRC); and

WHEREAS, the State is willing to provide additional funds needed to expand Brown County's Aging Resource Center to an Aging and Disability Resource Center; and

WHEREAS, a coalition of County/Tribal agencies will work together to develop an Aging and Disability Resource Center.

NOW, THEREFORE, BE IT RESOLVED by the Brown County Board of Supervisors that it supports the development of an Aging and Disability Resource Center and supports the Brown County Department of Human Services and the Brown County Aging Resource Center jointly submitting a request for funding to the Wisconsin Department of Health and Family Services, and if successful in obtaining the funding, fully supports the County's commitment to complete the plan for full implementation of an Aging and Disability Resource Center in Brown County for all target groups within the three year plan.

BE IT FURTHER RESOLVED that the Brown County Board of Supervisors endorses the collaboration across all County/Tribal agencies that is occurring in the development of the ADRC proposal and that will continue in the implementation phase.

Respectfully submitted,  
HUMAN SERVICES COMMITTEE

A motion was made by Supervisor Fewell and seconded by Supervisor Frohna **“to adopt”**. Voice vote taken. Motion carried unanimously with no abstentions.

Approved by:       /s/ Carol Kelso, County Executive       Date: 2/4/2005

**No. 10 -- Such other matters as authorized by law. Late Communications.**

**No. 10a -- From Supervisor Lund re: I would like to refer to the Administration Committee that we ask the Department of Administration to review the line item for contracted services in the County Executive’s 2006 proposed budget.**  
Refer to Administration Committee.

**No. 10b -- From Supervisor Van Den Heuvel re: To delay construction of a planned round-a-bout for County JJ in Bellevue until a formal plan for Cottage Road is formalized and adopted by the County, the City of Green Bay and the Village of Bellevue.**  
Refer to Planning, Development and Transportation Committee.

**No. 10c -- From Supervisor Van Den Heuvel re: To have a complete review of the Golf Course operations with questions answered and new policies addressed.**

- 1. Cost for fees for Youths. Should they be changed?**
- 2. What are costs and fees collected from cart rental and the driving range – does county get a good percentage?**
- 3. Who is responsible for running ads in the fall to advertise for fall rates – do we compete with private owned courses? Should we?**
- 4. Do we need to have leagues? This takes time away from the public.**
- 5. Do we need to have the course shut down for Golf Outings?**
- 6. What is the policy for tee times – should this be changed to better serve all?**
- 7. Does the County need to employ a full time “pro”?**
- 8. Why are we charging a cost to reserve a tee time?**
- 9. Should the restaurant be open 12 months a year and compete with privately owned restaurants?**
- 10. What is the role to the taxpayers of the Brown County Golf Course?**

Refer to Education and Recreation Committee

**No. 10d -- From Supervisor Nicholson re: Review Chapter 2.13 of the County Code to change from 3 business days to 2 business days as the amount of time for recording secretaries to submit their minutes.**  
Refer to Executive Committee.

**No. 10e -- From Supervisor Scray re: Considering the proposed hook up of the sewer system to East Landfill run off. I would like to see the DNR Leachate Reports of Hazardous Waste from the East Landfill for the last year. Along with this I would also like someone to interpret the contents.**

Refer to Planning, Development and Transportation Committee.

**No. 10f -- From Supervisor Fewell re: Request an Update on Community Services of Green Bay. I am requesting a report on the impact to the ICF-MR clients in the facilities operated by Community Services of Green Bay, which have entered receivership action. What impact will this have on Brown County Human Services budget (if any) and the provider community?**

Refer to Human Services Committee.

**No. 10g -- From Supervisor Fewell re: Human Resources inquiry into EEOC Regulations and the Brown County Code regarding the posting of job openings. Request that Human Resources review both the EEOC regulations and the Brown County Code 4.53-54 related to "Recruitment" and review positions in both Human Services and the Corporation Counsels office that were not posted in compliance with the EEOC or the Brown County Code. Do department heads have the authority to make appointments without following the EEOC regulations or the Brown County Code?**

Refer to Administration Committee and Human Services Committee.

**No. 10h -- From Supervisor Fewell re: Sexual derogatory, degrading and offensive language. In December we all received a copy from the Department of Workforce Development detailing issues related to a number of incidents of inappropriate and unacceptable conduct by a Brown County Employee in the County Executive office. These preliminary findings determined that this conduct did not reach the level of sexual harassment but it did state that this behavior and language was unacceptable.**

**I am requesting that the Brown County Executive Committee send a strong statement to all Brown County Employees by requesting Human Resources and Corporation Counsel to draft a zero tolerance policy regarding the use of sexual derogatory and degrading language. It needs to be clear that Brown County will not tolerate the use of sexual derogatory or degrading language by any employee nor will it allow any intimidating behavior that creates a hostile work environment. This policy needs to be unambiguous and it should contain the appropriate disciplinary steps stating that all sexual derogatory, degrading, and offensive language will not be tolerated in any way.**

**It is important as the policing setting body of Brown County Government that the Brown County Board exercise it's authority to set policies that assure all employees that the Brown County Board can and will do everything within it's power to maintain both a good and safe working environment for all employees.**

Refer to Executive Committee .

**No. 10i -- From Supervisor Fewell re: Report from Human Resources Director regarding policies on obtaining confidential information. I am requesting that the Human Resource Director review and report to the Administration Committee on the number of employees who were interviewed by the Human Services Consultant, who had been previously hired by Virchow Krause. I am also requesting that Human Resources conduct an internal investigation on whether information that was obtained through confidential employee surveys conducted by the Human Services consultant could have been used to make employment decisions regarding certain County employees who had participated in these confidential surveys and had job interviews with this same Human Services Consultant.**

Refer to Administration Committee and Human Services Committee.

**No. 10j -- From Supervisor Krueger re: I request that you refer this communication to the Planning, Development and Transportation Committee and the Legislative Sub-committee to be placed on these Committees next agendas. Across the country we are facing an energy crisis. I believe it is a critical time to work on our energy future. In our state, energy costs have risen by 27% in the past 10 years. Currently we get over 90% of our energy from fossil fuels, primarily coal and nuclear. Coal fired energy facilities are being forced to address public concerns regarding smog, soot and mercury emissions. The results have driven much of the rate increases. Our coal fired energy facilities are responsible for 40% of our state's mercury emissions. The Governor appointed a task force and they have developed a set of recommendations for our energy future.**

- a) 10% renewable by 2015.**
- b) Increased investment in conservation and efficiency.**
- c) We have the wind potential to meet 120% of our state's energy needs through wind energy.**
- d) Renewable energy is clean and non-polluting.**
- e) According to the Regional Applications Laboratory of the University of Illinois, 14,000 new jobs could be created in Wisconsin as the result of energy efficiency and renewable energy projects.**
- f) At this time there is potential in Brown County, as there is talk of a company locating in the area to manufacture wind turbines.**
- g) It is critical for our County to support wind industries and demonstrate an interest and support for these industries. Our support for these programs hopefully will entice them to our area.**

**I'm asking that consideration be given to the following resolution:**

**A RESOLUTION endorsing actions to promote increased renewable energy generation in the State of Wisconsin.**

**WHEREAS, Wisconsin is heavily reliant on dirty and dangerous sources of energy; and**

**WHEREAS, Soot and smog pollution from coal-fired power plants in our state contribute to numerous premature deaths and health problems each year; and**

**WHEREAS, The DNR has issued fish advisory warnings for all instate waters due to mercury contamination and over forty percent of mercury in our state comes from burning coal; and**

**WHEREAS, Wisconsin has no coal, oil, natural gas, or uranium deposits and must import over ninety-six percent of our energy costs, amounting to over \$6 billion dollars that leave our state's economy; and**

**WHEREAS, Wisconsin has tremendous potential for wind energy which is being vastly underutilized; and**

**WHEREAS, A serious commitment to renewable energy would create jobs in Wisconsin and tax revenue for local communities; and**

**WHEREAS, Focus on Energy, the state's energy efficiency program saved five dollars in energy costs for every dollar spent; and**

**THEREFORE, BE IT RESOLVED BY THE BROWN COUNTY BOARD OF SUPERVISORS THAT: We support the State of Wisconsin's investing in a cleaner and more sustainable energy future by generating ten percent of our energy from wind and clean biomass by the year 2015; ensuring full and stable funding for energy conservation and efficiency programs.**

Refer to Planning, Development and Transportation Committee and Legislative Sub-Committee

**No. 10k -- From Supervisor Collins re: Abuse of Power by County Executive of Supervisor's Free Speech Rights. According to the Brown County Information Services Department our County Executive has ordered them to block Supervisor Pat Collins from using the Brown County E-mail System. The Brown County E-mail System is open to all who use the Internet; and the E-mail addresses of Brown County Department Heads are recorded in the Brown County Directory which makes them public record.**

**The idea that a political figure of any level of Government can order the blocking of Free Speech to another Elected Official is contrary to the fundamentals of our Constitution. Could the Governor of Wisconsin block who he disagrees with from the State E-mail System? Can you be blocked from sending an E-mail to your State or Federal Representatives or members of his staff?**

**This abuse of power by County Executive Kelso needs to be rectified and an apology to all in Brown County needs to be made. Just because you don't like what someone has to say doesn't give you the right to stop it being said. The E-mail system gives you the option of not opening the E-mail; which addresses your right not to listen. Nothing is being forced on anyone.**

**Information of this abuse of power by Brown County Executive Kelso has been shared with an organization renowned for defending our Free Speech Rights. The harm has been done. Now the County Board needs to reduce the potential liability.**

Refer to Administration Committee.



**No. 10l -- From Supervisor Frohna re: request that a study be conducted, if not available, on the potential need for a traffic signal at the intersection of Hoffman Road and East River Drive (in the Village of Allouez).**

Refer to Planning, Development and Transportation Committee.

**No. 10m -- From Chairman Moynihan re: Request Resolution of Censure of Supervisor Patrick J. Collins.**

**This request is due to my concern of the vitriolic demeanor in which Supervisor Collins has possessed in past months towards County Executive Carol Kelso, Human Services Director Allen Parks, and Corporation Counsel John Jacques. Further, he has disparaged private citizens within his communications. Either for personal and/or political reasons he has engaged in what may be perceived as a malicious motive towards these individuals as detailed in the enclosed communications. (Copy of communications on file in the Brown County Clerk's office for public inspection.)**

**It is my believe that Supervisor Collins has violated the county code of ethics 1.11(2) Responsibility of Public Office and 1.11(3) Dedicated Service. Further he has failed to comply with the "Pledge of Civility" Resolution in which he voted "for" February 18, 2004. Within the fourth and fifth "WHEREAS" of the resolution it reads:**

**WHEREAS, displays of anger, rudeness, ridicule, impatience, a lack of respect and personal attacks detract from the open exchange of ideas, prevent open discussion of the issues, and can discourage individuals from participation in government; and**

**WHEREAS, civility can assist in reaching consensus on diverse issues and allow for mutual respectful and ongoing relations.**

**It is my belief that the resolution applies equally, not only last February, but the other eleven months as well!**

**I forward this request with great reluctance. Supervisor Collins has served his constituents now into his seventh term. However, in my estimation, his actions, his rhetoric, his conduct, are unbecoming of that of an elected representative of the people. I feel this unprofessionalism bears an ill light on each member of this board, affects staff morale, and tarnishes the reputation of Brown County.**

**As your chairman, I have publicly asked for professionalism, civility, and decorum as we conduct the business of the people. I have personally asked Supervisor Collins to expend his energies on good government in a positive fashion. However, his communications go beyond the pale of freedom of speech. I believe that he has chosen the path of self centered importance.**

**I respectfully ask for passage of this report.**

**/s/ Patrick W. Moynihan, Jr.**

**Chairman, Brown County Board of Supervisors**

**No. 11 -- Bills over \$10,000 for period ending January 3, 2005.**

A motion was made by Supervisor Vander Leest and seconded by Supervisor Johnson **“to pay the bills over \$10,000 for period ending January 3, 2005.”** Voice vote taken. Motion carried unanimously with no abstentions.

**No. 12 -- Closing Roll Call:**

Present: Van Den Heuvel, Graves, Nicholson, Theisen, Krueger, Haefs, Erickson, Kaye, Zima, Evans, Vander Leest, Johnson, Dantine, Frohna, Collins, Beyl, Backmann, Fleck, Van Deurzen, Clancy, Moynihan, Zabel, Scray, Hinz, Lund, Fewell

Total Present: 26

**No. 13 -- ADJOURNMENT TO WEDNESDAY, FEBRUARY 16, 2005, AT 7:00 P.M., LEGISLATIVE ROOM 203, 100 N. JEFFERSON STREET, GREEN BAY, WISCONSIN.**

A motion was made by Supervisor Evans and seconded by Supervisor Fleck **“to adjourn to the above date and time.”** Voice vote taken. Motion carried unanimously with no abstentions.

      /s/ DARLENE K. MARCELLE      

Brown County Clerk